

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Local Agency Program (LAP) Supplemental Agreement (SA) for E-Verify, CR 470
Resurfacing (staff recommends approval)

REQUESTED ACTION: Board approval and signatures at the LAP SA and Resolution

Work Session (Report Only) **DATE OF MEETING:** 3/8/2011
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: FDOT
Effective Date: immediately Termination Date: _____
Managing Division / Dept: Public Works Division

BUDGET IMPACT: N/A
 Annual **FUNDING SOURCE:** _____
 Capital **EXPENDITURE ACCOUNT:** _____
 N/A

HISTORY/FACTS/ISSUES:

Governor Scott signed Executive Order Number 11-02 on January 4,2011 which requires state agencies and their contractors (including County governments and their contractors under an MOU or Agreement with the state) to use the E-Verify system to verify employment eligibility of their employees.

For County governments this has been clarified as new employees. For our consultants and contractors it applies to those individuals who are assigned by that consultant or contractor who perform work pursuant to the contract with the state agency.

CR 470, aka C 470N, was milled and resurfaced under a LAP agreement with FDOT as an ARRA project. While the project itself is complete and the construction contractor is not required to use E-Verify after the fact, employees of our consulting firm who worked on C 470N or will work on it as we close out the paperwork, must be verified by E-Verify, as well as new County employees of any nature.

Please note that we will receive an additional similar supplemental agreements to apply E-Verify on the CR 476B resurfacing project, as we close out their paperwork with FDOT.

Attached are the time extension already approved for C 470N, the LAP Supplemental Agreement and companion resolution for signature, and a copy of the Executive Order 11-02 for reference.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Blvd.
DeLand, FL 32720-6834

OFFICE OF THE
SECRETARY

February 24, 2011

Mr. Bradley Arnold
Sumter County Administrator
Sumter County
319 East Anderson Avenue
Bushnell, Florida 33513

SUBJECT: TIME EXTENSION # 2
Local Agency Program Agreement
FPN: 428095-1-58-01
CR 470 Resurfacing
Contract No.: APT44

Dear Mr. Arnold:

The Department has extended the above referenced Stimulus LAP Agreement until August 31, 2011 in order to complete construction and finalize project close out.

The time extension granted by this letter is also to allow the Department and Sumter County to comply with Governor Scott's Executive Order 11-02 which directs the Department to incorporate "E-Verify" language into each State contract. The Department will follow up with you on the implementation of the Executive Order in the near future.

Any questions or concerns may be directed to Darla Sell at 386-943-5559.

Sincerely,

Rise' K. Wall
Director of Transportation Support
District 5

cc: Steve Kegel
Vince Vacchiano

SUPPLEMENTAL NO. 2 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 428095-1-58-01 CONTRACT NO. APT44
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PROJECT DESCRIPTION

Name CR 470 Resurfacing Length ~4.8 miles

Termini from Lake Panasoffkee Outfall Canal to SR 44

The Department and the Local Agency desire to supplement the Agreement referenced hereinabove. All provisions of the Agreement and any prior Supplements or Amendments thereto, if any, shall remain in effect except as may expressly modified by this Supplement.

The following paragraph is hereby added to the Agreement:

1. E – VERIFY

a. Local Agency shall utilize the U.S. Department of Homeland Security's E – Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

(i) all persons employed by the Local Agency during the term of the Contract to perform employment duties within Florida; and

(ii) all persons, including subcontractors, assigned by the Local Agency to perform work pursuant to the contract with the Department.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY SUMTER COUNTY Board of County Commissioners

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Name: Don Burgess
Title: Chairman

By: _____
Name: Rise' K. Wall
Title: Director of Transportation Support

Attest: _____
Name:
Title:

Attest: _____
Name:
Title:

Date: _____

Date: _____

As to form:

Legal Review:

Attorney

Office of the General Counsel

RESOLUTION NUMBER _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, SUPPORTING THE LOCAL AGENCY PROGRAM, AND AUTHORIZING DON BURGESS TO EXECUTE THE SUPPLEMENTAL LOCAL AGENCY PROGRAM AGREEMENT, CR 470 PROJECT, FPN 428095-1-58-01.

WHEREAS, the State of Florida Department of Transportation and Sumter County, Florida, desire to facilitate the CR 470 Resurfacing Project and,

WHEREAS, the State of Florida Department of Transportation has requested Sumter County, Florida, to execute and deliver to the State of Florida Department of Transportation the Supplemental Local Agency Program Agreement for the aforementioned project, FPN 428095-1-58-01.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sumter County that Don Burgess, Chairman, is hereby authorized to execute, and deliver, to the State of Florida Department of Transportation, all agreements and documents required to implement the aforementioned project, FPN 428095-1-58-01.

DONE AND RESOLVED this _____ day of _____, 201_____, at _____, Sumter County, Florida. Time adopted: _____ p.m.

ATTEST: GLORIA HAYWARD
CLERK & AUDITOR

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Don Burgess
Chairman

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 11-02 (Verification of Employment Status)

WHEREAS, Federal law requires employers to employ only individuals eligible to work in the United States; and

WHEREAS, the U.S. Department of Homeland Security's E-Verify system allows employers to quickly verify employee eligibility in an efficient and cost-effective manner;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

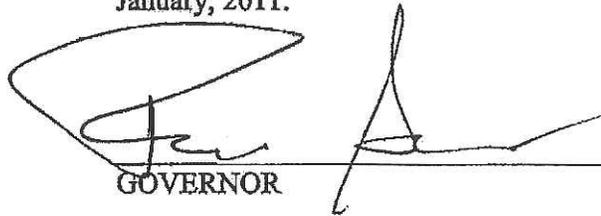
Section 1. I hereby direct all agencies under the direction of the Governor to verify the employment eligibility of all current and prospective agency employees through the U.S. Department of Homeland Security's E-Verify system.

Section 2. I hereby direct all agencies under the direction of the Governor to include, as a condition of all state contracts, an express requirement that contractors utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of: (a) all persons employed during the contract term by the contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by the contractor to perform work pursuant to the contract with the state agency.

Section 3. Agencies not under the direction of the Governor are encouraged to verify the employment eligibility of their current and prospective employees utilizing the E-Verify system, and to require contractors to utilize the E-Verify system to verify the employment eligibility of their employees and subcontractors.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 4th day of January, 2011.


GOVERNOR

ATTEST:


SECRETARY OF STATE

This Employer Participates in E-Verify

E-Verify™



This employer will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.

IMPORTANT: If the Government cannot confirm that you are authorized to work, this employer is required to provide you written instructions and an opportunity to contact SSA and/or DHS before taking adverse action against you, including terminating your employment.

Employers may not use E-Verify to pre-screen job applicants or to re-verify current employees and may not limit or influence the choice of documents presented for use on the Form I-9.

Employment Verification.  Done.

For more information on E-Verify, please contact DHS at:

1-888-464-4218

In order to determine whether Form I-9 documentation is valid, this employer uses E-Verify's photo screening tool to match the photograph appearing on some permanent resident and employment authorization cards with the official U.S. Citizenship and Immigration Services' (USCIS) photograph.

NOTICE:

Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States.

If you believe that your employer has violated its responsibilities under this program or has discriminated against you during the verification process based upon your national origin or

citizenship status, please call the Office of Special Counsel at 1-800-255-7688 (TDD: 1-800-237-2515).



E-VERIFY IS A SERVICE OF DHS AND SSA